

REMARKS

Claims 1-5, 8, 9 and 12 are pending, with claims 1 and 9 being independent. Claims 6, 7, 10 and 11 are canceled by this amendment without waiver or prejudice.

Applicant and Applicant's Representative thank the Examiner for the courtesies extended during the in-person interview conducted on December 19, 2006. Applicant believes that the present amendment and response reflects the substance of that interview.

35 U.S.C. § 103(a) Rejection

Claims 1-6, 8-10 and 12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Bellew (5,463,816) in view of Eichberger (5,815,934) and Van Swearingen (3,952,484). Claims 1-12 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Eichberger (5,815,934) in view of Bellew (5,463,816) and Van Swearingen (3,952,484). With respect to canceled claims 6, 7, 10 and 11, these rejections are rendered moot. Applicant has amended independent claims 1 and 9 to obviate the rejections, as discussed during the in-person interview.

As amended, independent claim 1 recites a planer assembly that includes, among other features, a deflector having a tube section that has a substantially circular cross-section, a curved section that has a substantially U-shaped cross section, and a rib that is formed between the tube section and the curved section and that is angled less than ninety degrees in relation to a longitudinal axis of the tube section, where the deflector is connectable to the exhaust aperture. Support for this amendment can be found in the specification at least, for example, in paragraphs [0010] and [0015] and Figure 3. Applicant respectfully request reconsideration and withdrawal of the rejection because Bellew, Eichberger and Van Swearingen, either alone or in combination, fail to describe or suggest a deflector having a rib that is formed between the tube section and the curved section and that is angled less than ninety degrees in relation to a longitudinal axis of a tube section.

First, as acknowledged in the Office Action on page 3, Bellew does not disclose a deflector having a curved section with a substantially U-shaped cross section. Second, Bellew

does not describe or suggest a deflector having a rib that is angled in relation to a longitudinal axis of a tube section.

Eichberger does not remedy the failure of Bellew to describe or suggest a deflector having a rib that is angled in relation to a longitudinal axis of a tube section. Instead, Eichberger discloses a rib 56 that is not angled in relation to a longitudinal axis of tubular area 54. See Eichberger, col. 5, lines 7-14 and Fig. 11.

Van Swearingen does not remedy the failures of Bellew and Eichberger to describe or suggest these features.

For at least this reason, Applicant respectfully requests reconsideration and withdrawal of the rejection of amended independent claim 1 and it dependent claims 2-5 and 8.

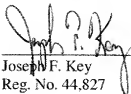
Similarly to claim 1, amended claim 9 recites a planer including, among other features, a deflector having a tube section that has a substantially circular cross-section, a curved section that has a substantially U-shaped cross section, and a rib that is formed between the tube section and the curved section and that is angled less than ninety degrees in relation to a longitudinal axis of the tube section. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 9 and its dependent claim 12, for the reasons given above with respect to claim 1.

Applicants submit that all claims are in condition for allowance.

Please charge deposit account 02-2548 for the three (3) month extension of time fee and the Request for Examination fee. Please apply any deficiencies or credits to deposit account 02-2548.

Respectfully submitted,

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